



Electronic Waste Stakeholder Workshop Meeting Record

10/16/03
1:30 P.M.– 4:00 P.M.

Meeting called by: CA Integrated Waste Management Board (CIWMB)
Department of Toxic Substances Control (DTSC)

----- Opening Remarks -----

Discussion:

- Ed Lowry, DTSC, and Mike Paparian, CIWMB welcomed participants to the workshop, setting context for the workshop and describing the workshop's purpose and desired outcomes

----- SB 20 Regulatory Implementation Plan -----

Discussion:

- Peggy Harris, DTSC, and Shirley Willd-Wagner, CIWMB provided an overview of the implementation plan for SB 20 including milestones and timelines.
- See <http://www.ciwmb.ca.gov/Electronics/Act2003/Timeline> for timeline and key milestones

----- Stakeholder Input on SB 20 Implementation -----

Discussion:

- Peggy Harris, DTSC, and Shirley Willd-Wagner, CIWMB provided an overview of key SB 20 elements including 1) scope and definition, 2) impacts to consumers (e.g., households, small business), local government, retailers and manufacturers, 3) fee collection and recovery/recycling payments, 4) recycling goals and outreach, 5) regulations (i.e., administrative, proprietary information, European Union, export notifications/demonstrations)

Continued on next page...

Stakeholder Input on SB 20 Implementation *(continued)*

Discussion:

- Stakeholder input was requested and provided for each key element as follows: *(Every attempt was made to capture speakers' key points and comments. However, they may not be presented here as exact quotes. Additional opportunities for input exist by contacting ewaste@calepa.ca.gov)*

1. Scope and Definitions

- How quickly will we (manufacturers) get an interpretation about what products are covered? How do we notify the retailer if we don't have the interpretation? What do we need to do by April 1?
- By Feb 04 for small quantity generators, anything with a plug is covered. How will SB 20 be a framework to deal with universal waste by Feb. 04 – non-CRTs?
- Would we (local govt./landfill operator) be a recycler as well as a collector? Only for SB 20
- Hate to see local agencies impacted by such a narrow definition of 4- inch screen with universal waste requirements coming down the line. We need to keep it clear and limit to electronic devices.
- On behalf of manufacturers, want to create a financing mechanism so that we can know what our role is and what we need to do. Want to communicate with consumers and retailers. Want more meetings so we can figure this out together. Need to keep scope of products as clear as possible. Financing mechanism not waste management.
- What is the intent of the bill? I believe it was for TVs and computers not flat panels. We need to be clear. Not sure if this includes a laptop. Would this also mean palm pilots?
- This leaves you open to copiers – anything with a flat panel. Could include huge machines with tiny flat screens.
- Not sure how DTSC could make a distinction between the screen on the device and the device? The device is either hazardous or it's not – not just because of the screen would it be hazardous. May need clarifying legislation - Jan. 1
- All devices should be included
- F2 definition—What is the current thinking about your interpretation and how is it aligned with F1? What to do with aftermarket products? Do they apply?
- Assuming characterizing the entire unit as one, would that unit then be reclassified out of the universal waste category or would it lapse into the CRT standards? Assuming the whole unit is regulated, what would occur is this unit is broken up into two pieces, how would it be handled?
- We (environmental organization) support the broadest definition possible of covered devices. We want to ensure that flat panel/flat screen devices are included and support interpretation that determines entire device is covered, not just screen.

Continued on next page...

Stakeholder Input on SB 20 Implementation *(continued)*

2. Impacts to Consumers, Local Government, Manufacturers and Retailers

- The bill says small business, is that the case? How is a distributor defined? Apparently this does not apply to distributors.
- Please make as much information available as possible on the Web. Make sure that the information is available to everybody – especially information on products. Use a formal process.
- This is something new, going to take more than simple collection systems. We have an opportunity to bring collections systems together. Simple, local government collection programs by themselves are not going to solve these problems. Everybody and anybody who wants to haul this stuff should be encouraged and rewarded.
- Whether or not the companies will be able to meet this requirement through their trade association to protect proprietary info? Will these bills be able to be done collectively?
- Any special requirement for handling and recycling? Will there be changes from the existing requirements?
- Can local governments charge a recycling fee for CRTs?
- Can private industry continue to charge on and collect products as they do now? We'll need something that says we can do it.
- Fees: free and convenient program for electronic covered devices. Free means free and you don't charge somebody again for this. If a local Govt. gets money from SB 20, then it is free. If they're not receiving any funds, then it is not free.
- We (local govt.) are going to collect CRTs through our bulky waste program. When can we get reimbursed for that?
- Can a local govt. charge additional fees? We need to be able to collect fees to provide services. Curbside would not be appropriate to set the fee. Collection would be better.
- Six million computer monitors in CA. Who will be reimbursed for the processing/handling of these?
- Notifications to consumers regarding programs – easy to do. Informing the retailers of the scope of products and fees will be more difficult – eliminate ambiguities. Some companies/retailers will be more aware than others. We need to work together on this one.
- Notification to HP consumers about free/convenient recycling. Where do we point them? We just want to be a conduit for information. Until we get that information, we're stuck
- Fee language based on language from bottle bill. The intent – we hope that whatever fee charged and revenue collected will be sufficient. A local govt. needs to be able to have the authority to charge the difference between what they get from SB 20 and their collection costs.
- Fee system can't be specific to everybody – differences in services and locality. Don't prohibit access to system because they have to charge a little bit beyond what they receive from SB 20. Don't make eligibility case by case.

Continued on next page...

Stakeholder Input on SB 20 Implementation *(continued)*

3. Fee Collection and Recovery/Recycling Payments

- What is the “first sale?” Definition of consumer includes a business, when one of my manufacturers sells to a dealer, is that a first sale? We also have service providers and we need to consider this. Manufacturer and Internet sales – what is the procedure for remitting the fees?
- Will the fee be taxable? The items are taxable, are the fees? Significant implications to our stores – big scope of retailers. We need guidance on how and when to remit the fees – the closer you can get to BOE’s sales tax collection system, the better. Break down timeline into working groups – i.e., retailers working with the public. Focus the participants at future workshops
- We (local govt.) hold collection events currently. We have an appointment system, extra staffing at event – more costs than just processing the equipment. Each event costs about \$15,000. If we apply for reimbursement, what is eligible
- What are you going to include in determining your fee to come up with your fee schedule?
- Break fee into 3 parts i.e., transportation, collection and recycling. Transportation involves different parties and distances.
- How are the invoices going to be checked against actual materials collected?
- Does SB 20 apply to those that are exporting if they decide not to receive payments?
- Any thought to potential unscrupulous operators bringing CRTs into the state and trying to collect fees? How can this be prevented?
- Is there a cap on the fee? Who would get payments first?
- Please give special consideration to rural counties implementing bill. We have higher costs due to lack of infrastructure
- CIWMB has the authority to set actual recycling fee. The fee is not just for collection but also to operate a free/convenient system. Think it would be bad for recyclers to have to wait 90 days for payment. Would like to see 30 days.
- Fee charged to manufacturers. This is charged to the consumer. Would the fee or reimbursement be adjusted based on location?
- It is important that the State cancel a device at time of collection. Want to prevent collecting more than once. Will give better auditing on exports.
- To cancel a project, needs manufacturers to identify their products.
- If manufacturers use and buy their own products, does the fee apply?
- If we (local govt.) collect 1,000 CRTs in 2/04, can we get reimbursed or do we need to wait until July?
- We (recyclers) need a formal dialogue between manufacturers and recyclers. Manufacturers say they can’t release information because it’s proprietary. This lack of info impedes progress. Manufacturers hide behind this veil and impede progress toward recycling
- Plastics in these goods are very difficult to recycle. How do plastics in general fit?
- Based on the definition of consumer, which includes all businesses, are any products that we use going to go into that municipal system for businesses using their own manufactured products.
- We (recyclers) would like to be charged on a per pound basis as we are with the bottle bill.

Continued on next page...

Stakeholder Input on SB 20 Implementation *(continued)*

4. Recycling Goals and Outreach

- Sales data does not correlate to a successful recycling program. Look at diversion from landfills. We (manufacturers) know people don't buy one and get rid of one at the same time. Let's look at the amounts recycled and diverted rather than sales.
- Looks like people are currently stockpiling. Look at what's out there in these stockpiles and based on those numbers, gauge success.
- Let's look at markets for the materials that are covered.
- In goal setting, important to estimate goals for historic waste and future waste. Measure of sales is the benchmark for measuring future waste. Goals for individual producers are not in the bill. Will be important to address this gap. Develop incentives to invite participation.
- Use Used Oil program as a model and give us (local govt.) the \$ to run our local programs.
- Have we (local govt.) looked into Internet and Out of State sales?
- Do you expect computer recycling companies to recycle the 65m computers that exist?
- University/school district/large business is a large consumer. Hope we can establish partnerships.
- Need enforceable goals. Rigorous goals.

Continued on next page...

Stakeholder Input on SB 20 Implementation *(continued)*

5. Regulations

- Since EU doesn't have to be implemented until 2007, why are you looking at regulations now?
- Demonstrate environmental compliance – will you want to do a rulemaking that identifies what adequate demonstration is? Want a set of standards for everybody.
- Can we (manufacturers) be assured that the regulations will evolve as the Ross requirements evolve? The Ross directive is evolving in the EU process. We need to assure that what CA does is aligned with Ross directive.
- Who will permit these sites? Is it CIWMB thru LEAS, DTSC thru CUPAs? Are you looking to the LEAs in the oversight of collection in facilities beyond landfills such as transfer facilities – these are under my jurisdiction? If a trash truck picks up a couple of TVs in their load, are they now a hazardous waste hauler?
- Rulemaking to consider includes: 1) Environmental. Compliance plans – what is the std for all operations? What about the collectors w/respect to health and safety? 2) Loose packing in trucks – be clear if CRTs can be placed loose in back of trucks or do they need to be shrink wrapped, etc.?
- Encourage consideration of list serve notification for distribution of new information about this process
- Will there be a current list of recyclers on the Web site?
- Who do you anticipate permitting those that handle electronic waste? Is DTSC's recycling definition different than that definition in SB 20?
- Where is the end for the CRT tube? What will happen to it? You will be issuing \$ for the collection, but what about the disposal of the products? Where we they end up?
- Our (local govt.) HHW program is geared to small generator and residents. Now, it's for all commercial generators, this involves programs that we don't have. This is a grave concern for local govt.
- Focus on cradle to grave process. Also, would recommend loosening up some requirements for disposing of these systems – do we always need a full permit?
- Poison pill provision. Fee goes away for Internet sales. Is there a full legal analysis and will you share it with interested parties?
- Systems thinking means cradle to cradle. Not cradle to grave. What about fraud provision? Wisely encourage new capacity to develop to address problem.
- How will out-of-state processing of equipment be handled as far as permits/inspection?
- I have a great concern about the regulations in regard to the destruction of the CRT tube. Presently many of the recyclers ship their e-waste out of state, or country, to be dumped in landfills. To reimburse with state money to these municipalities and recyclers does not seem right. I believe these should be strict guidelines on the disposal of CRT tubes. The best approach to control this problem is to require CRT tubes to be disposed and handled in CA to receive state funding.